

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF RHODE ISLAND**

**JUAN VALDERA, SOBIEDA VALDERA
and BAHIJ BOUTROS**

Plaintiffs

v.

1:20-cv-470-JJM-PAS

**PHH MORTGAGE CORPORATION and
DEUTSCHE BANK NATIONAL TRUST COMPANY
AS TRUSTEE FOR THE REGISTERED HOLDERS
OF CBA COMMERCIAL ASSETS, SMALL
BALANCE COMMERCIAL MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2006-1**

Defendants

**AFFIDAVIT OF ATTORNEY CATHERINE V. EASTWOOD IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Catherine v. Eastwood, Esq, depose on oath as follows:

1. I have been admitted to practice law in the State of Rhode Island since 2001. My primary practice area is creditor's rights, including representation of mortgage holders and mortgage servicers in prosecuting foreclosures and evictions and representing such parties in related bankruptcy and litigation matters. I have also practiced law and been admitted in Massachusetts since 1998.
2. I am senior associate at Korde & Associates, P.C. ("Korde") in Lowell, Massachusetts.
3. Korde represents the Defendants, PHH Mortgage Corporation ("PHH") and Deutsche Bank National Trust Company as Trustee for the Registered Holders of CBA Commercial Assets, Small Balance Commercial Mortgage Pass-Through Certificates, Series 2006-1 ("Deutsche Bank") (collectively the "Defendants")

4. Korde maintains an electronic case management system (“CMS”) in which attorneys, paralegals and legal assistants acting under the direction of Korde’s attorneys enter all case-related activity simultaneously or nearly simultaneously with the occurrence of such activity in CMS. CMS identifies the name of the attorney, paralegal or legal assistant making the entry, the date and time such entry is made and a description of the activity (i.e., pleading filed, notice or correspondence sent, phone call received, etc.) as entered by the attorney, paralegal or legal assistant making the entry. In addition, copies of pleadings, affidavits, title examinations, title rundowns, correspondence and other documents relating to the case are uploaded to CMS.
5. In the course of preparing and reviewing this affidavit I have consulted Korde’s CMS and the documents uploaded to such system in connection with the declaratory judgment action referenced in the Complaint.
6. CMS reflects that Deutsche Bank filed a complaint in Providence Superior Court, Docket PC-2016-5232 (the “Declaratory Judgment Action”) on November 8, 2016 against the Plaintiffs and New Century Mortgage Corporation Liquidating Trust seeking an equitable assignment of the Mortgage to Deutsche Bank and adjudicating Deutsche Bank to be the holder of the Mortgage.
7. Plaintiffs, through the same attorney who is representing them in the instant proceeding before this Court, appeared in the Declaratory Judgment Action.
8. Though not required to do so under the terms of the Mortgage, the Firm sent notices on behalf of Deutsche Bank to each of the Plaintiffs on September 27, 2019 via regular and certified mail at multiple addresses advising them of a monetary default on the loan and giving them an opportunity to cure such default by paying all then existing loan arrearages

on or before October 31, 2019 failing which the entire, outstanding indebtedness evidence by the Note and Mortgage would be accelerated and declared immediately due and payable.

Copies of the notices referenced in the preceding sentence are attached here as Exhibit 1.

9. As Plaintiffs failed to cure the default on or before October 31, 2019, the Firm sent notices on behalf of Deutsche Bank and PHH to each of the Plaintiffs on November 14, 2019 via certified and regular mail at multiple addresses advising them that Deutsche Bank was thereby accelerating the entire outstanding indebtedness due under the Note and declaring same to be immediately due and payable. Copies of such notices are attached here as Exhibit 2.

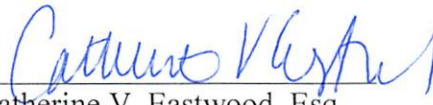
10. Plaintiff, Sobieda Valdera (“Sobieda”), filed a Chapter 7 bankruptcy petition on January 15, 2020 in the United States Bankruptcy Court for the District of Rhode Island, Case No.: 1:20-bk-10042 (the “Bankruptcy Case”).

11. Deutsche Bank obtained relief from the automatic stay in the Bankruptcy Case by Order entered on February 18, 2020 a true copy of which Order as is contained in the Firm’s business records is attached hereto as Exhibit 3.

12. The Firm caused notices of a November 4, 2020 foreclosure sale date to be sent to the Plaintiffs and other interested parties, if any, via certified and regular mail on September 11, 2020 pursuant to R.I.G.L. §34-27-4(b).

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Signed under the pains and penalties of perjury this 19th day of January 2022.



Catherine V. Eastwood, Esq.
RIB # 6406

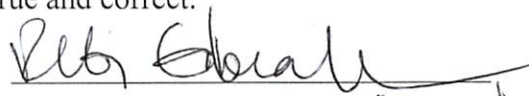
COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX SS.

January 19, 2022

Then personally appeared before me Catherine V. Eastwood who is personally known to me to be the person who signed the foregoing instrument and swore and affirmed to me that the information contained in the foregoing affidavit is true and correct.

 **ROBIN A. GILMARTIN**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 3, 2023


Notary Public Robin Gilmartin
My Commission Expires: 2/3/23